

**UNIT TITLE: Homeless Training**

**UNIT NUMBER: 2.8.0**

**INSTRUCTOR:**



**Maine Criminal Justice Academy**

15 Oak Grove Road  
Vassalboro, ME 04989

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

# Administrative Information

**Estimated time range: 2 Hours**

## **Methods:**

1. Mini-Lecture
2. Class participation
3. Small Group Activity

## **Training Aids / Equipment**

1. Flip Chart or White Board
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

## **Media**

- |                                 |     |
|---------------------------------|-----|
| 1. Handout of Homeless Shelters | 8.  |
| 2. Handout of 17-A MRSA §1151   | 9.  |
| 3.                              | 10. |
| 4.                              | 11. |
| 5.                              | 12. |
| 6.                              | 13. |
| 7.                              | 14. |

## **Special Instructions / Comments**

# INSTRUCTIONAL GOAL AND OBJECTIVES

## **INSTRUCTIONAL GOAL:**

To familiarize the law enforcement officer with the degree of homelessness in Maine, understand the causes of victimization, discuss issues of investigation of crimes against the homeless and identify community resources available to assist homeless people.

**PERFORMANCE OBJECTIVES:** At the end of this unit of instruction, the participant will be able to accomplish the following objectives and outlined in the lesson:

- 2.8.1 Define Homeless.
- 2.8.2 Recognize the scope of homelessness nationally and in Maine.
- 2.8.3 Explain the structural and personal causes for homelessness.
- 2.8.4 List and explain causes of victimization of homeless as explained in class.
- 2.8.5 Explain the reluctance of homeless to report their criminal victimization to law enforcement.
- 2.8.6 Explain what is meant by “criminalization of homelessness” and why it is counter-productive.
- 2.8.7 Explain how law enforcement officers can overcome a homeless victim’s reluctance to report criminal victimization.
- 2.8.8 Define “Bias Indicators”
- 2.8.9 Define “Bias Crime”
- 2.8.10 List three “bias indicators”
- 2.8.11 Demonstrate how to properly interview a homeless victim of a crime.
- 2.8.12 List at least four resources where you can refer a homeless person.



**I. Overview of Homelessness in the United States and Maine:**

**What is homelessness:**

While there is much debate as to who is homeless, the federal definition of a homeless person is:

1. A person who lacks a fixed, regular, and adequate nighttime residence;
2. and an individual who has a primary nighttime residence that is
  - a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - b. An institution that provides a temporary residence for individuals intended to be institutionalized; or
  - c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Many advocates claim that the federal definition of homelessness undercounts those who are homeless and advocate for a broader definition to include:

1. Multiple families or individuals who double or triple up in a house with insufficient living space because nothing else is available or affordable;
2. Weekly “rental” of economy motel rooms;
3. Individuals living in their automobiles; and
4. Those “couch dwellers” who instead of sleeping on the streets or in shelters, rely on the hospitality of willing friends or family for a place to sleep.

**II. How many people are homeless in the United States and in Maine:**

**Nationally:**

1. Completely accurate statistics are difficult to acquire for any social study but they are especially difficult when trying to measure a “hidden” problem such as homelessness. Although the following figures are “estimates” it is most likely that the true number is in fact much greater.
  - a. An estimated 3.5 million people experience homelessness each year in America.
  - b. 40% are families with children
  - c. 5% are minors unaccompanied by adults.
  - d. 22% have serious mental illnesses

2.8.1

*Ask Students what they think the definition of homeless is.*

*Record answers on white board.*

2.8.2



- e. 30 % have substance abuse problems
- f. 46% have chronic health problems while most (55%) have no medical insurance.
- g. 58% report not having enough food to eat.
- h. 23% of homeless are veterans
- i. 54% have been incarcerated at some point in their lives.
- j. 62% have at least a high school education
- k. 19% have regular jobs.

**In Maine:**

While there has been no effort to define the number of homeless in Maine during any given year, the Maine State Housing Authority has attempted to present an accurate picture of the homeless problem in Maine by conducting a “Point in Time” survey of homeless on April 24, 2004. Some key findings of that survey are:

- a. 633 people were reported homeless on that date;
- b. 166 were “chronically” homeless people;
- c. 267 were in Portland;
- d. 125 of the 633 were children;
- e. 63 of the 633 were veterans;
- f. 557 of the 633 reported having a disability.

**III. Causes of Homelessness:**

2.8.3

Homelessness is considered to be a by-product of poverty. In the simplest terms, a household becomes homeless when its provider can no longer pay the bills associated with the housing. Therefore the major underlying cause of homelessness is poverty. Not all people in poverty are homeless. There are both structural and personal dynamics that must also be considered as causes for homelessness:

**1. Structural Problems Include:**

- a. Employment opportunities: Job opportunities are constricting for those on the low end of the employment spectrum in terms of wages, skills and education. Many workers in this category have been displaced as companies relocate or consolidate. Also, adjusted for inflation, the minimum wage is 28% less than it was in 1978 in terms of purchase power.
- b. Housing opportunities: The cost of housing has skyrocketed in the past decade and well outpaced inflation. People who are at the minimum wage level in Maine of \$6.50 per hour cannot



afford housing with a 40 hour per week job. To compound the housing problem, the supply of low income housing is grossly inadequate.

- c. Health Care: The cost of health care has continued to outpace inflation. The vast majority of people in poverty do not have access to health care. Without health insurance and under increasing medical costs, unexpected health emergencies or serious chronic illnesses can quickly overburden poor households driving them into homelessness.
- d. Decline in Public Assistance: TANF benefits and food stamps combined are below the poverty level.

**2. Personal Factors Include:**

- a. Untreated mental illness: Of the 557 persons reporting a disability in the Maine State Housings 2004 "Point in Time Survey" 38% indicated a mental disability.
- b. Substance Abuse: in the same study, 15% indicated that they had a substance abuse problem.
- c. Co-occurring disorder of mental illness and substance abuse: in the Maine study, 42% reported a co-occurring disorder.
- d. Domestic Violence: Many people who leave households because of domestic violence have no immediate place to turn for shelter. In the Maine study, 37% indicated "domestic violence" or "family break-up" as the major contributor of being homeless.
- e. Institutional release: Most people being released from a correctional institution have few resources available to them and have eroded personal contacts that may have offered them support.
- f. Illness: For families struggling to pay rent, a serious illness or disability can lead to homelessness.

**3. Other Factors Include:**

- a. Natural disasters: We only have to look at New Orleans to understand what an impact natural disasters can have on homeless. That one event caused hundreds of thousands of people to become homeless overnight.
- b. Unexpected emergencies: Such as being laid off, loss of house or apartment to fire or flood.



4. Understanding some of the indignities of being homeless

- a. Having to ask for help: This is really hard for many people. In fact, being homeless often means having to ask for everything, all day long – and being expected to be polite and appropriate each time.
- b. People not looking at you: ignoring you, hoping you “go away”
- c. Lack of access to bathrooms: even those bathrooms typically open to the public inside store, malls, etc.
- d. What to do when your sick: no place to lie down for a few minutes.
- e. Looks and comments received from other people
- f. Having to carry all your belongings around: difficulty finding storage. Having a backpack on all the time is a giveaway that a person is homeless.
- g. Trying to get a job: Having to give the shelter address or phone number to potential employers.
- h. Dealing with landlords when looking for an apartment: Telling them you’ve been homeless for the past six months.
- i. Feeling you have to panhandle : Although most homeless do not, and the things people say to those who do
- j. Excessive walking: To avoid staying in one place.
- k. Safety: Having no place to be secure from harassment, abusers, etc.

*Have homeless advocate from a local homeless shelter talk to the officers about what it’s like to be homeless.*

IV. Victimization of the homeless:

2.8.4

1. Bias Motivation:

- a. There is strong evidence that a vast majority of crimes of violence against the homeless are motivated by bias.
- b. In “*Homeless and Hated*” a publication of the Center of the Prevention of Hate Violence, 138 homeless people were interviewed detailing 69 separate incidents of crime that were motivated by biases against the homeless. These crimes included assaults, threats, and property damage.
- c. Crimes were characterized as bias motivated if the perpetrator used degrading language about homeless people during the commission of the crime, or if the perpetrator knew the victim was a homeless person and no other motive was evident.
- d. The victims were predominantly male and the perpetrators were predominantly young males in their teens or early twenties.



2. **Why do people commit bias motivated crimes against the homeless?**

- a. Group or gang activity.
- b. Media [www.bumfights.com](http://www.bumfights.com)
- c. Mission offenders (get rid of the homeless)
- d. Reactive offenders (afraid of the homeless)
- e. Retaliatory offenders (to avenge actual or perceived wrong)
- f. Thrill seekers

3. **Crimes against homeless in Maine:** We don't often think of Maine as a state where there are unprovoked attacks against persons, yet there are. Many of these attacks are against the homeless.

- A homeless man in Bangor saw four or five guys, one of whom was beating up a woman. He stepped in to protect the woman and they "turned on him," very badly. Once they knocked him down, they continued to kick him. While they were beating him up, they called him, "Hope House Trash" (Hope House is a homeless shelter).
- A homeless man in Portland occasionally spent time with a group of local teens. One day they hit him in the head with an umbrella and split his head open. The man's girlfriend (also homeless) asked the teens why they did it, and they said, "Because we can; because you're homeless."
- At 2:00 AM, a homeless man was sleeping against a "well known" heating vent in central Bangor when a group of older teens drove by in a Jeep Cherokee screaming, "We're going to kill you." They also screamed that the homeless man should, "get a job" and that he was a "bum". They passed by at least three times screaming. During one drive by they threw glass beer bottles at him. One beer bottle hit him in the chest and several others smashed against the wall near his head.
- A homeless man living in a wooded area along the riverbank in Augusta close to the center of the city. One day four young men came upon his encampment. The men began to call him names and said, "Why don't you have a job? Why don't you have a place to live faggot?" Two of the men hit him with closed fists, causing a black eye and a bloody nose.
- A homeless man in Portland was jumped by teen three times over a period of six months. Two of the incidents occurred while he was sitting by railroad tracks drinking beer. He reported that the teens, "just rolled up and started punching and kicking me. They hit me in the head and screamed, "homeless faggot".

**Ask:**

**What are the indicators of bias in these crimes?**

**What was the perpetrator's motivations for the crime?**



4. **Reluctance to report crimes:** Evidence indicates that crimes against homeless persons is underreported. There are many reasons for this underreporting:
- a. Mistrust of the police. While there are numerous incidents of law enforcement officers great compassion for the homeless, homeless persons indicate mistrust of the police as a reason for not reporting crime.
  - b. Belief that law enforcement will not take their complaint seriously.
  - c. Fear of arrest. Many homeless fear contact with the police for fear of being arrested for offences such as drinking in public, “panhandling”, or loitering.
  - d. Previous bad experience with law enforcement.
  - e. Fear of retribution by the perpetrator
  - f. Fear of being “displaced” from their living area by the police
  - g. Fear of having their possessions taken by the police.

2.8.5

**V. “Criminalization” of homelessness by communities:**

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- 1. **Communities look for solutions to homelessness**
  - a. Through shelters
  - b. Community and state aid
  - c. Outreach
- 2. **Many look to “solve” the homeless problem through ordinances which “criminalize” homelessness.**
  - a. Laws that make it illegal to sleep, sit or store personal belongings in public spaces in cities where people are force to live in public areas.
  - b. Selective enforcement of more neutral laws, such as loitering or open container laws, against homeless persons.
  - c. Sweeps of city areas where homeless persons are living to drive them out of the area.
  - d. Destruction of homeless person’s shelter
  - e. Anti panhandling laws.
- 3. **In a recent survey of anti homeless laws by the National Coalition for the Homeless 224 cities were surveyed. The results showed:**
  - a. 28% of these cities prohibit “camping” in particular public spaces in the city and 16% had city-wide prohibitions on “camping”
  - b. 27% prohibited sitting or lying in certain public places
  - c. 39% prohibit loitering in particular public areas and 16% prohibit loitering city-wide.



- d. 43% prohibit “begging” in particular public places and 45% prohibit aggressive panhandling and 21% have city-wide bans of panhandling.

**4. Criminalizing homelessness does not work:** The criminalization of homelessness does nothing to address the underlying causes of homelessness. Instead, it exacerbates the problem:

- a. It moves people away from the services they need.
- b. If arrested and charged, the person develops a criminal record which makes it harder to get a job or obtain housing.
- c. It’s not economic. It costs significantly more to maintain a person in a county jail than it would to provide them with shelter.
- d. Criminalization also raises constitutional questions. Courts have found that certain criminalization laws are unconstitutional.
  - i. When a city passes laws that place too many restrictions on begging, free speech concerns are raised as courts have found begging to be protected speech under the First Amendment.
  - ii. When a city, or police, destroy a homeless person’s belongings or conduct unreasonable searches or seizures of homeless persons, courts have found such actions to violate the Fourth Amendment.
  - iii. Courts have also found that laws applied to punish homeless people for necessary life activities in public like sleeping, violate that person’s Eighth Amendment right to be free from cruel and unusual punishment if the person has nowhere else to perform the activity.

**5. Alternatives to criminalization:**

- a. Instead of criminalization of homelessness, cities should work with homeless advocates to develop outreach programs.
- b. Additional shelter beds and low income housing is more economical than housing homeless in correctional facilities because of laws designed to criminalize homeless.

**VI. Investigations of crimes against the homeless:**

**1. As discussed earlier, homeless are often more vulnerable to criminal activity and are reluctant to report crimes to law enforcement for a variety of reasons. Law enforcement can work to reduce this reluctance to report crimes by:**

- a. Becoming familiar with the local shelters and soup kitchens in their areas
- b. Making eye contact with people who are homeless

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- c. Acknowledging homeless with a “hello” or casual conversation
- d. Learning of local resources for food, health, shelter, clothing and employment to pass on to those who are homeless. Having a laminated card with those resources is recommended.
- e. Get to know people individually. Ask about them; where they are from, how long they have been in the community. Talk to them as you would your neighbor. Share a little about yourself.
- f. Ask about their safety and well being especially if you have reason to be concerned.
- g. Stop at a local shelter or food kitchen to have lunch.
- h. Find out who stays in shelters, who stays with friend or relatives and who camps out
- i. Stop by camps and give them your name and contact number. Ask them if they have had any problems or if they have questions. Provide them with information on community resources.

2. **Specific Investigative Suggestions:** While the investigation of crimes against homeless is similar to any other investigation, the officer should also:

- a. Ask where the best place is to reach them or to leave a message for them
- b. Ask for more than one contact number
- c. Ask what the best time of day to reach them is
- d. Give them two of your business cards, one for their wallet and one for their backpack
- e. Ask if there is a friend or family member whom you can contact in case you have difficulty reaching them
- f. Ask for the name of a shelter worker or social worker that he/she would trust to relay information between you.
- g. During the investigation leave periodic messages letting them know the progress of their case
- h. Be clear about how they can contact you.
- i. If a follow up interview is needed, leave message with contacts for the person to contact you or arrange to meet them where it's convenient for them.
- j. Provide them with encouragement to continue with the process.

3. **Bias motivated crimes or hate crime:**

- a. A Bias or hate crime is a crime motivated in whole or in part by bias against a victim based on the victim's race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness.
- b. Speech alone is not a crime, but bias motivations with criminal conduct is a hate crime.

2.8.7

2.8.8



- c. 17-A M.R.S.A. §1151-8(B) was changed to read: *“The selection by the defendant of the person against whom the crime was committed or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or **homelessness** of that person or of the owner or occupant of that property.”*
- d. Look for Bias Indicators
  - i. Racial, ethnic, gender or cultural differences between the perpetrator and the victim
  - ii. Language comments, written statements and gestures (words are often the best evidence of a person’s motivation)
  - iii. Drawings, markings, symbols and graffiti
  - iv. Location of incident
  - v. History of bias incidents
  - vi. Involvement in organized hate groups or with its members
  - vii. Victim and or witness perception
- e. Document Evidence of bias indicators
  - i. Put EVERYTHING in your report
  - ii. When interviewing the victim or witnesses ask for the specific language used by the perpetrator and document it
  - iii. Preserve physical evidence – photograph graffiti, words, signs, etc.

2.8.9

**4. Interviewing the victim:**

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- a. May be more upset by the verbal comments by the perpetrator than the criminal act itself.
- b. The victim may downplay the event, or say it never happened, out of fear or humiliation
- c. Interviewing the victim:
  - i. Introduce yourself to the victim
  - ii. Allow the victim to tell the whole story in their own words
  - iii. Do not ask the victim, “Was this a bias crime?”
  - iv. Ask the victim for the exact words used by the perpetrator
  - v. Provide support and encouragement
- d. As discussed earlier, obtain contact information and give victim your contact information in order to follow up.
- e. Refer the victim to organizations who can provide support
- f. If appropriate, tell the victim that you will be referring the case to the Attorney General’s Office.



**VII. Community Resources Available:**

2.8.11

1. **National, State and Community Resources Available:** There are a great number of national and state resources available. Please take the time to review them.

<http://www.mainehousing.org/>

<http://www.mainehousing.org/homeless.html>

<http://www.nach.org>

<http://www.bphc.hrsa.gov/hchirc/>

<http://www.helpusa.org/site/PageServer>

<http://www.nchv.org/>

<http://www.nationalhomeless.org/>

[Emergency Shelters in Maine](#)

[Directory of Homeless Shelters in Maine](#)

[Subsidized Housing in Maine](#)

[Maine Rental Housing Guide](#)

[Office of Maine's Attorney General; Civil Rights Enforcement](#)

[Consumer Rights: Apartment Rental](#)

# Criterion Testing

# Bibliography

***“Civil Rights Officer Handbook”***; Maine Attorney General’s Office; 2005

***“Discrimination Against People Who are Homeless in Maine: Report of the Attorney General’s Office Pursuant to 2003 Public Laws, Ch. 673 Part NNN”***; Maine Attorney General’s Office; 2005

***“Hate Crimes and Violence Against People Experiencing Homelessness”***; National Coalition for the Homeless; 2006.

***“Hate, Violence, and Death on Main Street USA”***; National Coalition for the Homeless, 2005

***“Homeless and Hated: Bias Motivated Violence, Degradation and Discrimination Against Maine’s Homeless”***; Center for the Prevention of Hate Violence; 2005

***“How Many People Experience Homelessness”***; National Coalition for the Homeless; 2005

***“Illegal to be Homeless: The Criminalization of Homelessness in the United States”***; National Coalition for the Homeless; 2004

***“Some Day-To Day Indignities of Being Homeless”***; Preble Street Consumer Advocacy Project/ 2006